

CASE NO. 09-C-369

OPENED 10/13/2009

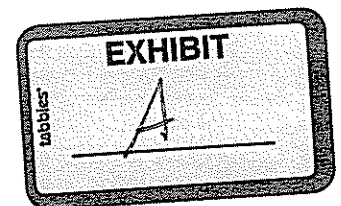
JUDGE... JUDGE FRED L FOX

PLAINTIFF. DAVID HOLLIS ET AL C/O KEVIN TIPTON  
VS DEFENDANT. DANNY MICHAELS

PRO ATTY.. KEVIN TIPTON  
DEF ATTY..

PAGE# DATE MEMORANDUM.....

00001 10/13/09 Civil Case Information statement  
00002 10/13/09 Complaint  
00003 10/13/09 Summons for Michaels w/Cert Mail Receipt  
00004 10/16/09 Return Grn Crd signed 10/14/09



CIVIL CASE INFORMATION STATEMENT  
CIVIL CASES

In the Circuit Court of MARION County, West Virginia

I. CASE STYLE

Plaintiffs

DAVID HOLLIS and  
ADELINE HOLLIS  
c/o KEVIN T. TIPTON  
1001 NORTHPOINTE PLAZA  
MORGANTOWN, WV 26505

Case No. 09-C-369  
Judge Foy

vs.

Defendants

DANNY MICHAELS  
PO Box 346  
Kirznuller, MD 21538

Days to Answer

30

Type of Service

CERTIFIED  
MAIL

Original and 2 copies of Complaint attached hereto.

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IN  
CIRCUIT CLERK'S OFFICE  
2009 OCT 13 PM 11 08  
BARBARA A. JOHL  
CIRCUIT CLERK

PLAINTIFF:	DAVID and ADRIENE HOLLIS	CASE NUMBER 011-369
DEFENDANT:	DANIEL MICHAELS	

II. TYPE OF CASE:

TORTS	OTHER	CIVIL
<input type="checkbox"/> Adversus	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other:
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: YES

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): July 2010

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO  
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other:

Attorney Name: Karen L. Tipton  
Firm: LEFLOS LAW OFFICES  
Address: 1001 NORTH POINTE PLAZA  
MORGANTOWN, WV 26505

Representing: PLAINTIFFS

Telephone: (304) 293-8428

Date: 10-09-2009

[Signature]  
Signature

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

DAVID HOLLIS and  
ADELINE HOLLIS,  
Plaintiff,

v.  
DANIEL MICHAELS,  
Defendant.

Case No. 09-C-369

COMPLAINT

NOW COME the Plaintiffs, DAVID HOLLIS and ADELINE HOLLIS, by and through their attorney, KEVIN T. TIPTON, and for their Complaint against Defendant DANIEL MICHAELS, hereby states as follows:

**PARTIES AND JURISDICTION**

1. The Plaintiff, DAVID HOLLIS, is, and was at all relevant times hereto, a resident of Morgantown, Monongalia County, West Virginia.
2. The Plaintiff, ADELINE HOLLIS, is, and was at all relevant times hereto, a resident of Morgantown, Monongalia County, West Virginia.
3. At all relevant times hereto, the Plaintiffs were husband and wife.
4. Defendant, DANIEL MICHAELS (hereinafter referred to as "Defendant") is, and was at all relevant times hereto, a resident of Kitzmiller, Garrett County, Maryland.
5. The accident complained of in this Complaint occurred in Marion County, West Virginia.

**COUNT I**

6. Plaintiff incorporates each and every allegation contained in Paragraphs 1 through 5 as if fully restated verbatim herein.
7. That on or about June 22, 2008, the Plaintiff was traveling on Flat Run Road in Fairmont, Marion County, West Virginia, on his way to work.
8. That the Defendant was traveling on the same road in the opposite direction.
9. That, for reasons unknown to the Plaintiff, the Defendant's vehicle crossed the center line of the road and struck his vehicle head on.

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2009 OCT 13 AM 11:08  
B/ BARRA A. V. J.  
CIRCUIT CLERK

10. That, as a result of the Defendant's negligence, the Plaintiff suffered personal bodily injuries.
11. That Defendant's negligence and conduct, as set forth herein, was the proximate cause of the injuries which Plaintiff has suffered, is suffering and will continue to suffer in the future.
12. As a further direct and proximate cause of the aforesaid negligence of the Defendant, the Plaintiff has suffered and sustained damages and injuries, including, but not limited in any manner to the following: permanent physical injuries; loss of enjoyment of life; loss of income and benefits; aggravation, annoyance, and inconvenience; depression, emotional distress and mental anguish; punitive damages; substantial foreseeable consequential damages; and substantial incidental damages.

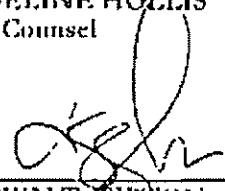
#### COUNT II

13. Plaintiff incorporates each and every allegation contained in Paragraphs I through 12 as if fully restated verbatim herein.
14. That, as a result of Defendant's negligence, Plaintiff Adeline Hollis has suffered a loss of consortium and loss of services of her husband, Plaintiff David Hollis, and is entitled to compensation therefor.

**WHEREFORE**, the Plaintiffs, **DAVID HOLLIS and ADELINE HOLLIS** demand judgment against the Defendant, **DANIEL MICHAELS**, in this matter for all damages sustained as set forth herein, together with pre-judgment and post-judgment interest thereon; punitive damages; for all costs and attorney fees incurred in pursuit of this action to which they are entitled by law; and for such other relief as this Court deems proper.

Plaintiffs hereby demand a **TRIAL BY JURY** in this matter.

**DAVID HOLLIS and  
ADELINE HOLLIS**  
By Counsel



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**KEVIN T. TIPTON**  
West Virginia State Bar No. 8610  
**TIPTON LAW OFFICES**  
1001 Northpointe Plaza  
Morgantown, WV 26505  
(304) 292-8478

S U M M O N S

CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

DAVID HILLIS ET AL C/O KEVIN TIPTON  
1001 NORTHEAST PLAZA  
MORGANTOWN WV 26505

ADDRESSEE: HILLIS C/O KEVIN TIPTON  
1001 NORTHEAST PLAZA  
MORGANTOWN WV 26505

v. 09-C-369 JUDGE FRED L. ROK

DANNY MICHAELS  
P.O. BOX 346  
KITZMILLER MD 21538

To the Above-Named Defendant(s):  
IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and  
required to serve upon KEVIN TIPTON  
Plaintiff's Attorney, whose address is 1001 NORTHEAST PLAZA  
MORGANTOWN, WV 26505

an answer, including any related counter-claim you may have, to the complaint  
filed against you in the above-styled civil action, a true copy of which is  
herewith delivered to you. You are required to serve your answer within 20  
days after service of this summons upon you, exclusive of the day of service.  
If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint and you will be thereafter barred from  
asserting in another action any claim you may have which must be asserted by  
counterclaim in the above-styled civil action.

DEPDT: 10/13/09

Barbara A. Core, Clerk  
Marion County Circuit Court

By: PM F/C, Deputy

Cert Mail

7006 2610 0001 5318 2459

U.S. Postal Service <sup>®</sup>	
CERTIFIED MAIL <sup>™</sup> RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Postmark Here	
Sent To: Danny Michaels	
Street, Apt. No.: P.O. Box 346	
or PO Box No.	
City, State, ZIP: Kitzmiller, MD 21538	
PS Form 3800, April 2008 See Reverse for Instructions	

## TIPTON LAW OFFICES

1001 Northpointe Plaza  
Morgantown, WV 26505  
(304) 292-TIPTON (8478)  
(304) 292-2800 fax  
[TiptonLaw@gmail.com](mailto:TiptonLaw@gmail.com)

October 9, 2009

Barbara Core, Clerk  
Marion County Courthouse  
211 Adams Street  
Fairmont, WV 26554

RE: Hollis v. Michaels  
09.C. 304

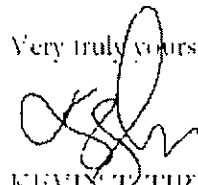
Dear Mrs. Core:

Please find enclosed the original *Complaint and Civil Case Information Sheet*, along with two copies thereof. I have also included a check in the amount of \$145.00 for the cost of filing. I ask that you please file this civil action accordingly.

Moreover, I have enclosed a check in the amount of \$20.00. I ask that you please serve the Defendant via Certified Mail/Return Receipt at your earliest convenience.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact my office.

Very truly yours,

  
KEVIN T. TIPTON

Enc.

RECEIVED & FILED  
IN  
CIRCUIT CLERK'S OFFICE  
2009 OCT 13 PM 4:08  
BARBARA A. CORE  
CIRCUIT CLERK

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ <b>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</b> ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Danny Michaels P.O. Box 346 Kitzmiller, MD 21538</p>		<p>A. Signature <u>X [Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>[Signature]</u> <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery <u>10/14/09</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>09-C-369</p> <p>7008 2810 0001 5318 2459</p>		<p>3. Service type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
PS Form 3811, February 2004 Domestic Return Receipt		1122595-02-00-1840	